1948

File No. B. Tobacco 48

Legal **DEPARTMENT**

B **BRANCH**

K

CRS 4/6

Subject:—

L A Bill No VII of 1948

A Bill to repeal and re-enact the Tobacco Duty (Town of Bombay) Act 1857 and the Bombay (District) Tobacco Act 1933 (Suspension) Act 1945.

Bombay Act No I of 1948

A II

File No. B. Tobacco 48

5.57.B

Std. Sectt. Slip 24 B o.

L.A. Bill No. of 1948.

A Bill to repeal and re-enact the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945.

26 Geo.5, Ch.2. WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal and re-enact

Bom.XI of 1945. the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945; It is hereby enacted as follows:

Short title. 1. This Act may be called the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) (Repeal and Re-enactment) Act, 1948.

Repeal and re-enactment of Bom. XI of 1945. 2. The Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945, is hereby repealed and re-enacted.

Bom.XI of 1945.

KAH/29-5.
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Statement of Objects and Reasons.

Under sub-section (4) of section 93 of the Government of India Act, 1935, any law made by the Governor during the section 93 regime continues to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect unless sooner repealed or re-enacted by Act of the Provincial Legislature. It is considered desirable to continue in force the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Duty, 1933 (Suspension) Act, 1945, for some further period. It is therefore proposed ~~forthwith~~ to repeal and re-enact the said Act.

KAN/20-3.
4 c.

NOTIFICATION

Revenue Department,

Bombay Castle, 1943

Tobacco Duty (Town of Bombay) Act, 1857 and the Bombay District Tobacco Act, 1933 (Suspension) Act, 1943.

No. - In exercise of the powers conferred by section 2 of the the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1943 (Bom. XI of 1943), as re-enacted by the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) (Repeal and Reenactment) Act, 1943 (Bom. of 1943), the Government of Bombay is pleased to amend the Government Notification in the Revenue Department No. 7733/39, dated the 30th April 1945, as follows; namely:-

To be filled by H.D.

In the said notification for the figures, letters and words "31st day of March 1943" the figures, letters and words "31st day of March 1949" shall be substituted.

By order of the Governor of Bombay,

Secretary to Government.

KAN/29-5.
4 c.

Office of the R.L.A.

The requisite draft Bill is sent herewith.

2. Section 2 of the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945 empowers the Provincial Government to suspend the operation of the two Tobacco Acts of 1857 and 1933 either indefinitely or for such period as may be specified in the notification. By G.N. R.D. No. 7733/39, dated the 30th April 1945, the operation of the said two Tobacco Acts has been suspended till 31st March 1948. It would therefore be necessary to amend that notification so as to extend that date till 31st March 1949 on the re-enactment of Bom. XI of 1945. The requisite draft notification in that behalf is sent herewith. It should be issued immediately after the proposed re-enactment Bill is published as an Act.

3. The subject-matter of the Bill falls under entries 48, 49, & 54 and 37 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any entry in the Concurrent Legislative List it will not be necessary to reserve it for the consideration of the Governor General with reference to section 107(2) of the said Act.

The Bill will require recommendation of the Governor under section 82(3) of the said Act.

4. R.D. will no doubt attach the requisite Statement of Objects and Reasons to the Bill.

5. As a notification will have to be issued before 31.3.1948 extending the period of suspension care will

be taken to see that priority is given to this Bill by the Legislature and it is passed in time.

Id/- P.M.L. 3/1/43

Remembrancer of Legal Affairs

[illegible] No. 72. dated the 8th January 1943.

KAN/29-5.
4 c.

No. 2336
Legal Department,
Bombay Castle, 6th March 1943.

From

P. N. Lad, Esquire, I.C.S.,
Secretary to the Government of Bombay,
Legal Department.

To

The Private Secretary to the Governor
of Bombay.

Subject:- A Bill to repeal and re-enact the Tobacco Duty (Town of Bombay) Act, 1887, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1943.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bill to repeal and re-enact the Tobacco Duty (Town of Bombay) Act, 1887, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1943 which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 15th February 1943 and on the 3rd March 1943, respectively.

2. The subject-matter of the Bill falls under entries 40, 49, 54 and 37 in List II in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4.

4. I also forward herewith one copy of each of the items Nos. 1, 2 and 4 and two copies of item No. 3 of the papers noted in the margins. The Bill was not

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and	referred to a Select Committee
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 18th February 1943 and of the Bombay Legislative Council dated the 3rd March 1943.	

5. Since the Bill seeks to re-enact the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945, made by the Governor during section 93 regime, it is necessary to publish this Bill as an Act before 3rd April 1943, the date on which the Act would otherwise cease to have effect. I am, therefore, to request you to obtain the assent of His Excellency the Governor immediately and to return the Bill as assented to this Department at once, so as to enable this Department to take the necessary action.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- P.M.L. 5/3

Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay,
Revenue Department.

KAM/BC-5.
4 c.

No. P.S.G.-1218
Office of the Private Secretary to the Governor,
Government House,
Bombay, ~~Sunday~~, March 1948.

From

L. R. Nadkarni, Esquire, ICS.,
Private Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject: The Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933, (Suspension) (Repeal and Re-enactment) Bill, 19--.

Sir,

With reference to your letter No. 2336, dated 8th March 1948, on the subject mentioned above I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933, (Suspension) (Repeal and Re-enactment) Bill, 1948.

Your obedient servant,

sd/- L. R. Nadkarni,

Private Secretary
to the Governor of Bombay.

KAB/29-3.
4 c.

Bills.

A Bill to repeal and re-enact the Tobacco Duty (Town of Bombay, Act, 1857, and the Bombay (District, Tobacco Act, 1933 (Suspension) Act, 1945.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 1315
Bombay Castle, 6th February 1948.

RESOLUTION.- The Bill with the Statement of objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 6th February 1948, as Bill No. VII of 1948.

2. The Bill and the statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette, on the 11th February 1948.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay,

Sd/- S.L. Chaudhari
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 220 Gazette copies of the Bill and the Statement of Objects and Reasons may be forwarded to the Bombay Legislature Department for distribution to the members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department and 20 copies for the use of the Revenue Department,

The Revenue Department, , With a
The Oriental Translator to Government, , copy of
The Bombay Legislature Department, , the Bill
The Director of Publicity, Bombay, , and the
The Enquiry Officer for the Secretariat, Bombay. , Statement of Objects and Reasons.

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* With five extra copies of the Bill.

KAR/29-3.
4 c.

Acts.

Publication of the Tobacco Duty (Town of Bombay, Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) (Repeal and Re-enactment, Act, 1948.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 2557
Bombay Castle, 13th March 1948.

Letter No to the Private Secretary to the Governor, No. 2336, dated the 8th March, 1948.

Letter from the Private Secretary to the Governor, No. P.S.G.-1218, dated the 10th March 1948.-

"With reference to your letter No. 2336, dated 8th March 1948, on the subject mentioned above I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933, (Suspension) (Repeal and Re-enactment, Bill, 1948."

RESOLUTION. - The law should be published as Bombay Act No. I of 1948, in the Bombay Government Gazette dated the 13th March 1948.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and that the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department.

By order of the Governor of Bombay,

Sd/- S. L. Chaudhari,

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department)
The Revenue Department)
*The Oriental Translator to Government,) with a
The Bombay Legislature Department,) copy of
The Director of Publicity, Bombay,) the Act.
The Enquiry Officer for the Secretariat,)
Bombay.)

* with five extra copies of the Act.

KAN/2076.

Bombay Act No. I of 1948.

~~L. A. BILL No. VII OF 1948.~~

A Bill to repeal and re-enact the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945.

~~(As read for the third time and passed by the Legislative Assembly on the 18th February 1948.)~~

~~(As read for the third time and passed by the Legislative Council on the 3rd March 1948.)~~

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, read with paragraph 6 of the India (Provisional Constitution) Order, 1947, it is expedient to repeal and re-enact the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945; It is hereby enacted as follows :—

26 Geo. 5, Ch. 2.

Bom. XI of 1945.

1. This Act may be called the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) (Repeal and Re-enactment) Act, 1948. Short title.

2. The Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945, is hereby repealed and re-enacted. Repeal and re-enactment of Bom. XI of 1945.

Bom. XI of 1945.

AXB Bk Hb 4C8—1

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. VII OF 1948.]

(As read for the third time and passed by the Legislative Assembly on the 18th February 1948.)

(As read for the third time and passed by the Legislative Council on the 2nd March 1948.)

A Bill to repeal and re-enact the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933 (Suspension) Act, 1945.

[Mr. Morarji Desai, M.L.A.]

AXB Bk Hb 408—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.